

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM KING,

Plaintiff,

No. CIV S-03-2672 LKK JFM P

vs.

JAMES NIELSEN,

Defendants.

ORDER

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Plaintiff, an individual serving a civil commitment term at Atascadero State Hospital proceeding pro se and in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on September 13, 2005. On September 26, 2005, plaintiff filed a notice of appeal and a motion for leave to proceed in forma pauperis on appeal.

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

Fed. R. App. P. 24(a). This court has not certified that plaintiff's appeal is not taken in good faith and has not otherwise found that plaintiff is not entitled to proceed on appeal in forma

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1 pauperis. Accordingly, plaintiff's motion for leave to proceed in forma pauperis on appeal will
2 be denied as unnecessary.

3 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's
4 September 26, 2005 motion to proceed in forma pauperis on appeal is denied as unnecessary.
5 See Fed. R. App. P. 24(a).

6 DATED: January 12, 2006.

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8 /s/Lawrence K. Karlton
9 UNITED STATES DISTRICT JUDGE

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